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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,579	09/24/2003	Andreas Birkenfeld	4100-322	5638

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EXAMINER

CRENSHAW, MARVIN P

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/669,579

Applicant(s)

BIRKENFELD ET AL.

Examiner

Marvin P. Crenshaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 - 7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 – 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Koppelkamm et al.

Koppelkamm et al. teaches a web-fed rotary printing press (Fig. 1) having at least one printing unit, said printing unit comprising an impression cylinder (3 and 4) over which a web can be passed and a forme (1 and 2) cylinder bearing at least one printing plate having means for printing two printed pages (See col. 1, lines 12 – 25) contiguously in the circumferential direction and having different heights, whereby, a web (10) passing between said impression cylinder and said forme cylinder can be printed with two consecutive pages having different heights.

With respect to applicant's claim for printing two printed pages having different heights, it is inherent that Koppelkamm et al. can print two pages having different heights because his cylinder is capable of printing two pages in the circumferential direction. The pages could be of any desired height.

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With respect to claim 3, a web-fed rotary printing press (Fig. 1) further comprising a transfer cylinder arranged between said forme cylinder and said impression cylinder (See col.5, lines 15 – 25).

With respect to claim 4, Koppelkamm et al. teaches a web-fed rotary printing press (Fig. 1) comprising a further forme cylinder and a further transfer cylinder, said further transfer cylinder serving as said impression cylinder.

With respect to claim 5, Koppelkamm et al. teaches a web-fed rotary printing press (Fig. 1) wherein said printing unit is one of a an offset press (See col. 1, lines 5 – 10).

With respect to claim 7, Koppelkamm et al. teaches a web-fed rotary printing apparatus further comprising a cross cutting apparatus by means of which printed pages are cut from said web (See col. 9, lines 20 – 25).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koppelkamm et al.

With respect to claim 2, Applicant's claim of having a web-fed rotary printing press wherein said printing plate comprises means for printing one of said printed

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pages only with copies and the other of said printed pages with copies and a control strip because it would be obvious to one of ordinary skill in the art that Koppelkamm et al. printing apparatus to have the two printed pages on the circumferential direction to provide an efficient way of printing two pages of different size and with different images.

Claim 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppelkamm et al. in view of Alexoff et al.

Koppelkamm et al. teaches all that is, as discussed in the above rejection of claims 1,3 –5 and 7, except a web-fed rotary printing press further comprising a winding apparatus for winding up a printed web.

With respect to claim 6, Alexoff et al. teaches a web-fed rotary printing press (Fig. 1) further comprising a winding (29) apparatus for winding up a printed web. It would have been obvious to modify Koppelkamm et al. to have a winding apparatus for winding up a printed web as taught by Alexoff et al. to roll up a web after printing and store it for use at another time.

### ***Response to Arguments***

Applicant's arguments filed November 18, 2004 have been fully considered but they are not persuasive. Specifically, Koppelkamm et al. teaches the claimed subject matter of having a printing plate having means for printing two pages having different heights. Koppelkamm teaches that his printing plate

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can print two pages contiguously by printing pages in a landscape form (See col. 1, lines 52 – 57).

With respect to applicant's argument that "Koppelkamm neither discloses nor suggests that the forme cylinder bear a printing plate having means for printing two pages.....", Koppelkamm teaches that his forme cylinder can print two printed pages of variable products (See col. 2, lines 27 – 46). One of ordinary skill in the art would know that Koppelkamm statement of having the capabilities of printing two pages of "variable products" is considered as printing pages having different heights whether they are broadsheet, tabloid or book format.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPC  
February 2, 2005



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